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November 23, 2010

VIA FEDERAL EXPRESS

Jeff S. Jordan
Supervising Attorney
Complaints Examination &
Legal Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
2010 NOV 24 PM 12:03
OFFICE OF GENERAL
COUNSEL

Re: Yoder for Congress
Matter Number: MUR 6399

Dear Mr. Jordan:

Thank you for allowing me an extension of time until November 24, 2010 to respond to your letter dated October 26, 2010 addressed to Donald W. Kaiser, as treasurer of Yoder for Congress (the "Committee"). This letter is in response to your letter which forwarded a complaint (the "Complaint") that the FEC had received from Matt Sinovia, campaign manager for Stephen Moore for Congress, regarding the Committee's establishment of a website with a domain name of stephenmoore.com.

The Complaint claims that the Committee has violated 2 U.S.C. § 432(e)(4) and 11 C.F.R. §102.14(a). It has not.

2 U.S.C. § 432(e)(4) states:

The name of each authorized committee shall include the name of the candidate who authorized such committee

11 C.F.R. §102.14(a) states:

The name of each authorized committee shall include the name of the candidate who authorized such committee. Except as provided in paragraph (b) of this section, no unauthorized committee shall include the name of any candidate in its name. For purposes of this paragraph, "name" includes any name under which a committee conducts activities, such as solicitations or other

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communications, including a special project name or other designation.

The Committee has always conducted its activities under the name "Yoder for Congress" which complies with these requirements. No violation of 2 U.S.C. § 432(e)(4) and 11 C.F.R. §102.14(a) has occurred.

The Complaint attempts to say that the Committee having a website under the name stephenmoore.com is somehow a violation of 2 U.S.C. 432(e)(4) and 11 C.F.R. §102.14(a). It is not. A candidate's campaign committee often uses the name of the opponent in campaign mailings, TV commercials and other communications which are designed to show differences between the committee's candidate and the opponent. It is critical that these communications meet the "paid for by" disclosure requirements. 2 U.S.C. § 441d(a)(1) and 11 C.F.R. §110.11(b)(1). However, the use of the opposing candidate's name in this manner is permissible and even to be expected. It is even possible for a special project of an unauthorized committee to use the name of a candidate in its title of a special project name or other communication if the title clearly and unambiguously shows opposition to the named candidate. 11 C.F.R. §102.14(b)(3). The stephenmoore.com website was not a "special project of an unauthorized committee" because the website was created by the Committee, which is an "authorized committee." However, the website even meets the requirements for a special project of an unauthorized committee.

The website was dismantled after the election. However, I have included a screen shot of what was the front page of the website. (See attached Exhibit A.) There is no way anyone could confuse this website as a website supporting the candidacy of Stephen Moore. The banner at the top of the website said "No Stephen Moore" with the "No" in big red letters that make it clear that the website was not supporting Moore's candidacy. There were several items included on the website that clearly were anti-Moore. For example, a video on the website showed a history of Moore's travels at the expense of the taxpayers and raised a question over when Moore would decide who she would support for Speaker of the House.

The website created quite a stir in the media. Media sources that talked about the site reported on the Committee's involvement and emphasized that the website was not a pro-Moore website. The Plog or Pitch Blogs, a blog affiliated with a Kansas City area newspaper called The Pitch, in a post entitled "StephenMoore.com bashes Stephen Moore's taxpayer and special interest funded trips" posted September 30, 2011, states:

Now that anyone would be confused after seeing StephenMoore.com. It's an obvious attack site with tired hints against Nancy Pelosi. But the latest attack ad

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– trashing Moore for flying free courtesy of taxpayers and special interests – is a thing of beauty . . .

A Kansas voter uses an iPad to scroll through “Moore’s Facebook page” and sees the trips to places like Spain, Finland, Sweden, China, Cuba, Miami, Napa Valley and Italy – even showing her waving next to the Leaning Tower of Pisa.
(emphasis original)

Don’t think that The Pitch is a Republican friendly newspaper. This same newspaper trashed Kevin Yoder on a number of occasions including making fun of him for the car he drives, for using kids in his commercials that were not his and for having a wife that was not blond enough. (See, “Kevin Yoder’s fake-friend funhouse: Who will show up in his general election campaign ads?” posted August 13, 2010 @ 9:00 a.m.)

The Committee made no secret about its involvement with the website and that it was not a pro-Moore site. Besides the clear disclosures on the website itself by showing that the website was opposed to Moore with the big red-lettered “No” at the top and the paid for by “Yoder for Congress” prominently displayed, the Committee even sent out a press release announcing the launch of the website. This press release, which was dated September 27, 2010, said:

Today, Yoder for Congress unveiled the new website www.stephenmoore.com. This website chronicles the pitfalls of Mrs. Moore’s campaign such as: the number of days she has chosen to remain silent on whether or not she would vote for Nancy Pelosi as Speaker of the House, the short distance between her Washington D.C. home and the U.S. Capitol and Mrs. Moore, in her own words, voicing her support of the expiration of middle class tax relief and job killing legislation such as Cap and Trade, Card Check and Obamacare.

Most importantly, the website highlights Mrs. Moore’s deep ties to Washington D.C. special interests. Visitors to stephenmoore.com can watch an interactive video that guides users through the \$50,000 worth of world travel Mrs. Moore has taken on the dime of taxpayers and special interest groups. At the end of their journey, users will have the opportunity to plan their own Stephen Moore-like trip, where they can choose who funds their lavish travel – taxpayers or special interests.

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Mr. Jeff S. Jordon,
Supervising Attorney
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"This website highlights the major inconsistencies of Stephen Moore's campaign," said Travis Smith, Yoder for Congress Campaign Manager. "Stephen Moore has chosen to make her campaign about the smoke and mirrors game that is typical of Washington politicians. This website is our way of poking fun at that ridiculousness."

Numerous media sources ranging from local TV stations and newspapers, to national sources, like Congressional Quarterly, discussed the launch of the website. These sources clearly showed that the website was not favorable to Moore and its connection to the Committee.

No violation of 2 U.S.C. § 432(e)(4) and 11 C.F.R. §102.14(a) has occurred. It was always made clear on the website itself and in all media communications that stephenmoore.com was not a website friendly to Moore's candidacy and that it was paid for by the Committee. The Complaint has no merit and should be dismissed.

If I can provide further information or answer any additional questions regarding the website, please contact me.

Sincerely,


James C. Thomas III

JCT3/pb
Enclosures

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Like the video? Share it with your friends.

MOORE

Home

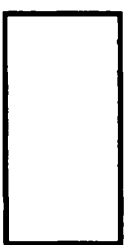
Stephen's Travels

Sources

Moore Indecision


225 11 55 31
Days Hours Mins Secs

Stephen Moore can't seem to make a decision about Nancy Pelosi and who she would vote for Speaker of the House. [See the evidence.](#)

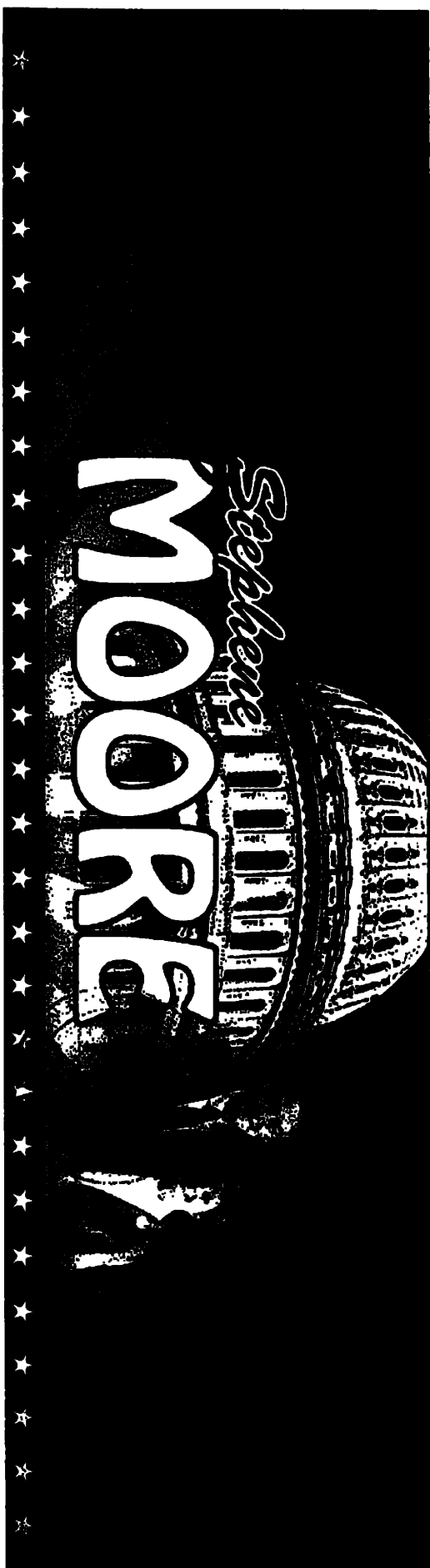


Paid for by Voter for Congress

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Like the video? Share it with your friends:  Share

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Home



Stephene's Travels



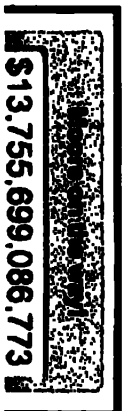
Sources

Moore Indecision

231 13 6 11

Days Hours Mins Secs

Stephene Moore can't seem to make a decision about Nancy Pelosi and who she would vote for Speaker of the House. See the evidence >


<http://www.yoderforcongress.com/SM/travels/>


Stephene Moore has spent over \$50,000 traveling the globe while her husband was in Congress...All paid for by taxpayers and special interests in Washington.

You can help end the Pelosi-Moore dynasty in Congress. Click on a trip below to make a contribution and help offset the cost of a failed Nancy Pelosi mid-Congress.

Follow These 3 Simple Steps:









1. First choose a trip below. Before picking your location, you must decide who is paying for your trip: *Special Interests in Washington OR American Taxpayers?*
2. Now pick your location. It may be tough as there are so many great locations to choose from! (It also may help to imagine yourself lying on a sunny beach in Miami, or sipping wine in the Napa Valley as you do this).

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Stephen Moore | Stephen's Travels

3. Click the link where you will be whisked away (imagine yourself jetting off on a private plane!) to another secure web page where you will contribute to ending the Pelosi-Moore dynasty in Congress!

So what are you waiting for? Go ahead and click your trip below, Happy Travels!

Destination	Who Paid?	Trip Cost	Suggested Donation	
	Napa Valley Special Interests	\$5,609	\$560.90	Make a Contribution
	France Taxpayers	\$4,741	\$474.10	Make a Contribution
	Greece/Italy Taxpayers	\$2,571	\$257.10	Make a Contribution
	China Special Interests	\$19,806	\$198.06	Make a Contribution
	Florida Special Interests	\$12,902	\$129.02	Make a Contribution
	Israel Taxpayers	\$1,191	\$119.10	Make a Contribution
	Spain Taxpayers	\$5,253	\$52.53	Make a Contribution
	Cuba Special Interests	\$2,552	\$25.52	Make a Contribution
	United Kingdom Taxpayers	\$1,838	\$18.38	Make a Contribution

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New York	Special Interests	\$959	\$9.59	Make a Contribution
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Photos courtesy [/img944_clicdun](#), [Sergio Monsalve](#), [hoyasmeq](#), [loiseyshowaa](#), [Eustaquio Santimano](#), [Ttinae](#), [pheuly](#), [lugarzen](#), [contfied1975](#) on Flickr.

Found for by Yoda for a couple